United Nations A/55/6 (Prog. 21)

General Assembly

Distr.: General
4 April 2000

Original: English

Fifty-fifth session
Item 120 of the preliminary list*
Programme planning

Proposed medium-term plan for the period 2002-2005

Programme 21
Protection of and assistance to refugees

Contents

	Page
Overall orientation	2
Subprogramme 1. International protection	3
Subprogramme 2. Assistance	4
Legislative mandates	6

* A/55/50.

00-35475 (E) 120400

Overall orientation

21.1 The overall objective of this programme is to provide international protection to refugees and others of concern to the United Nations High Commissioner for Refugees and to seek permanent solutions to their problems, as well as to provide them with humanitarian assistance. Assistance is one aspect of international protection and is a means of facilitating it. It is rooted in and grows out of the protective nature of the work of the Office of the United Nations High Commissioner for Refugees (UNHCR). In its operational activities, UNHCR seeks to integrate protection and humanitarian assistance. The pursuit of durable solutions to the problems of refugees is the heart of protection and the principal purpose of this programme.

21.2 The mandate for the programme is contained in General Assembly resolutions 319 A (IV), by which the Assembly established UNHCR as from 1 January 1951, and 428 (V), which contains the statute of the Office. The Assembly has also called upon the High Commissioner to provide assistance to returnees, as well as to monitor their safety and well-being on return (resolution 40/118). In addition, on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations, and with the consent of the State concerned, UNHCR provides humanitarian assistance and protection to internally displaced persons (resolution 48/116). As regards the assistance activities of UNHCR, the basic provisions of the statute were expanded by the Assembly in its resolution 832 (IX).

21.3 The international legal basis for the protection of refugees finds its principal expression in the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. In addition, there are a number of other international instruments of relevance, such as the 1989 Convention on the Rights of the Child. At the regional level, there are also important instruments and declarations, such as the Convention Governing the Specific Aspects of Refugee Problems in Africa of the Organization of African Unity, the Cartagena Declaration on Refugees, adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, and the San José Declaration on Refugees and Displaced Persons.

21.4 UNHCR is responsible for the implementation of the programme.

21.5 The overall strategy that will be followed consists of a range of activities undertaken in cooperation with States and other organizations and pursued with a continued strong emphasis on improving efficiency, transparency and accountability, especially through the development of an integrated operations management system. Notable among them are the following:

(a) The pursuit of comprehensive strategies, in cooperation with States and other organizations, aimed at both mitigating and preventing the causes of forced population movements as well as finding solutions to them when they occur;

(b) The ongoing development of a legal regime of international protection, in particular through the promotion of accessions to international and regional instruments relating to the status of refugees or otherwise benefiting refugees, the effective implementation of refugee rights and the promotion and dissemination of refugee law and protection principles;

(c) The further development of contingency planning, emergency preparedness and response capabilities, in coordination with other organizations, so as to respond effectively and efficiently to situations of forced human displacement;

(d) The provision of humanitarian assistance in an environmentally sensitive manner and in such a way that it is supportive of and reinforces development initiatives to the extent possible;

(e) The incorporation into all aspects of the delivery of humanitarian assistance the particular needs and capacities of refugee women and elderly refugees and the special needs of refugee children and adolescents;

(f) The further development, in consultation with concerned parties, of options to ensure the security and the civilian and humanitarian character of refugee camps and settlements as well as security in areas of return and to explore further concrete ways of enhancing the safety and security of UNHCR staff and other humanitarian workers working with refugees and returnees;

(g) The systematic follow-up to relevant recommendations in the plans of action emanating from recent and upcoming international conferences.

21.6 The programme is under the intergovernmental guidance of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, in accordance with its terms of reference as contained in General Assembly resolution 1166 (XII).

Subprogramme 1
International protection

Objective

21.7 The objective of this subprogramme is to provide international protection to refugees and to others of concern to the United Nations High Commissioner for Refugees and to seek solutions to their problems.

Strategy

21.8 This subprogramme falls under the overall responsibility of the Department of International Protection. The overall objective is multifaceted and will be pursued in a number of ways. Further accessions to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees as well as to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness will be promoted. The monitoring of the observance by States of internationally accepted standards for the treatment of refugees, especially the fundamental principles of asylum and non-refoulement, will contribute to ensuring the effective implementation of refugee rights by the States concerned. This will involve working especially for the establishment by States of fair and efficient procedures for the determination of refugee status or, as appropriate, other mechanisms to ensure that persons in need of international protection are identified and granted such protection, and to ensure that all persons seeking international protection are granted access to those procedures and mechanisms. To ensure a more effective response to the protection needs of refugee women, children and adolescents and the elderly, a wider dissemination of the respective policies and guidelines relating to refugee women, children and adolescents and the elderly will be undertaken, and a more concerted effort will be made to ensure their implementation. The promotion and dissemination of refugee law and protection principles, particularly through training, in cooperation with non-governmental organizations, academic institutions and other relevant organizations of governmental and non-governmental officials will be another means of achieving the stated objective. In addition, when, on the basis of a specific request of the Secretary-General or a competent principal organ of the United Nations, and with the consent of the State concerned, UNHCR provides protection to internally displaced persons, it will do so on the basis of criteria enumerated in the relevant resolutions of the General Assembly and in close collaboration with other concerned entities and agencies. To revitalize old and build new partnerships in support of the international refugee protection system, efforts to promote collaboration on refugee protection with a wide range of actors, including the Office of the High Commissioner for Human Rights, will be continued. In order to find permanent solutions to the problems of refugees, efforts will be made to promote the development of more comprehensive and regional approaches to resolving refugee situations and other forms of involuntary displacement, as appropriate.

Expected accomplishments

21.9 The expected accomplishments would include:

(a) increased number of accessions to relevant conventions and protocols;

(b) Improved observation by States of internationally accepted standards for the treatment of refugees, especially the fundamental principles of asylum and non-refoulement;

(c) A more timely and effective response to the protection needs of refugee women, children and the elderly;

(d) Increased use of comprehensive and regional approaches to resolving refugee situations and other forms of involuntary displacement;

(e) Progress towards finding durable solutions to the many instances of forced displacement.

Indicators of achievement

21.10 The indicators of achievement would include:

(a) The number of additional accessions to the relevant legal instruments;

(b) The number of people returning from situations of forced displacement;

(c) The number of cases brought to the attention of UNHCR of people seeking refugee status who were not treated in accordance with internationally accepted standards or were subject to refoulement.

Subprogramme 2
Assistance

Objective

21.11 The objective of the subprogramme is to provide humanitarian assistance to those of concern to the Office of the High Commissioner from the outset of an emergency until such time as the beneficiaries have been successfully reintegrated in their communities of origin, while at the same time paying particular attention to the capacities and needs of the priority categories of refugee women, children and adolescents and the elderly.

Strategy

21.12 The subprogramme is under the responsibility of the Department of Operations, which embraces the various regional operations. UNHCR will engage in a number of strategies. UNHCR is concerned that assistance, where possible, be delivered in such a way that it involves the recipients, taps the potential of refugee women and elderly refugees and is given in such a way that it reinforces rather than undermines local capacities to cope. In addition, UNHCR will work assiduously with all stakeholders to bridge the gap in the levels of assistance provided to refugees in the different regions of the world. Another concern of UNHCR is that assistance programmes should not interfere with or work against the return, as soon as feasible, to a process of sustainable development. UNHCR aims to provide humanitarian assistance in an environmentally sound manner, consistent with the environmental policy adopted by its Executive Committee at its forty-sixth session (1995), and as reflected in related operational guidelines.

21.13 A particularly important consideration during the period of the plan will be to enhance further the emergency preparedness and response mechanisms of UNHCR, taking into account the recent independent evaluation of UNHCR performance during the Kosovo operation; this will be done in close consultation with the Office for the Coordination of Humanitarian Affairs of the Secretariat and other agencies. UNHCR will also develop further specific preparedness measures at the country level, in particular through joint contingency planning in-country with States and operational partners, including provision for the integration of local resources into the planned response mechanisms. UNHCR will also review its operational cooperation with the military in the provision of emergency assistance, especially with regard to services for which they can add value in terms of technical and extensive organizational capacity in large-scale humanitarian emergencies. To strengthen further the effectiveness and efficiency of its humanitarian assistance, UNHCR will also establish, during the period of the plan, collaborative ventures with agencies having complementary mandates or competencies. In particular, memoranda of understanding or framework agreements with relevant United Nations organizations will be reviewed to ensure greater operational predictability. Furthermore, the Office will continue to give effect to the Declaration and Plan of Action adopted at the global UNHCR/non-governmental organization Partnership in Action Conference (Oslo, 1994), and to improve the partnership process with non-governmental organizations. UNHCR will also continue to involve its implementing partners, both non-governmental and governmental, in programme planning and ensure that they receive the appropriate training and support to comply with conditions associated with the implementation of projects on behalf of UNHCR, especially as the new operations management system is deployed in the field.

21.14 UNHCR will improve its procedures for monitoring progress in regard to the mainstreaming of programme priorities established by the Executive Committee, namely refugee women, refugee children and adolescents, the elderly and the environment. UNHCR believes that a concerted effort is necessary to ensure more effective implementation of its policies relating to refugee women and children in the field, even in the early phases of an emergency. Greater attention will be given to the formulation of programmes based on gender analysis and a clear identification of age-related needs.

21.15 The Office feels that it is important to ensure, in consultation with host Governments, the security and the civilian and humanitarian character of refugee camps and refugee-populated areas, as well as the security of returnee areas. In consultation with States,

which have the primary responsibility in this matter, and with the Department of Peacekeeping Operations of the Secretariat and other relevant bodies, UNHCR will develop further the concept of security in refugee and returnee areas and determine a range of concrete measures whereby it might contribute, depending on the situation, to the achievement of such security. To anchor the return of those forcibly displaced to their communities of origin, the Office will continue to ensure linkages between broader development efforts and humanitarian assistance. In that regard, UNHCR, when formulating solutions, will work closely with development entities and international financial institutions to ensure a comprehensive approach to programme planning.

Expected accomplishments

21.16 Greater efficiency and effectiveness will mark all stages of the UNHCR programme cycle. The expected accomplishments would include:

(a) Strengthening of local capacity to cope with refugee situations;

(b) Improved emergency preparedness and response mechanisms, including preparedness measures at the country level;

(c) Improved operational cooperation with the military and increased collaborative ventures with agencies having complementary mandates or competencies and with non-governmental organizations;

(d) Progress in regard to the mainstreaming of programme priorities established by the Executive Committee, namely refugee women, refugee children and adolescents, the elderly and the environment;

(e) Further development of the concept of security in refugee and returnee areas.

Indicators of achievement

21.17 The indicators of achievement would include:

(a) Specific measurement instruments that would be formulated to achieve security in refugee and returnee areas;

(b) Procedures that would be established or improved to achieve progress in the mainstreaming of the programme priorities established by the Executive Committee;

(c) Enhancement of the emergency response capacity of UNHCR measured against a plan of action to be established by the Executive Committee.

Legislative mandates

Subprogramme 1
International protection

Conventions and conference declarations

Convention relating to the Status of Refugees (1951) and its Protocol (1967)

Convention relating to the Status of Stateless Persons (1954)

Convention on the Reduction of Statelessness (1961)

Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (1969)

Cartagena Declaration on Refugees (1984)

Convention on the Rights of the Child (General Assembly resolution 44/25) (1989)

San José Declaration on Refugees and Displaced Persons (1994)

General Assembly resolution

54/146 Office of the United Nations High Commissioner for Refugees

Executive Committee report

Report of the fiftieth session of the Executive Committee of the High Commissioner's Programme (A/AC.96/928)

Subprogramme 2
Assistance

Security Council resolution

1208 (1998) concerning the situation in refugee camps in Africa

Executive Committee report

Report of the fiftieth session of the Executive Committee of the High Commissioner's Programme (A/AC.96/928)

Conference declaration

Partnership in Action Declaration and Plan of Action (Oslo, 1994)

Memoranda of understanding

Memorandum of Understanding with the United Nation's Children's Fund (1996)

Memorandum of Understanding with the World Food Programme (1997)

Framework Agreement for Operational Cooperation between UNHCR and the United Nations Development Programme (1997)

Framework for Cooperation between UNHCR and the World Bank (1998)